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SUBJECT: SRI LANKAN ARMY HOLDS HUMAN RIGHTS SEMINAR FOR FIELD COMMANDERS

¶1. Summary: The Sri Lankan Army organized on December 4-7 a three-day seminar on "Human Rights, International Humanitarian Law, Disaster Response and Military Civilian Relations" for all of its battalion field commanders in the northern and eastern parts of Sri Lanka (where fighting is heaviest). The training is being conducted by the International Committee for the Red Cross, the Institute of Human Rights (a reputable Sri Lankan NGO), and the Sri Lankan Human Rights Commission. To open the seminar, Sri Lankan Army Commander Fonseka told his commanders that the Sri Lankan Army is committed to respecting human rights and that commanders are accountable not only for their own actions, but for those of all under their command. The Ambassador told the audience that the hallmarks of a strong military and healthy democracy are laws and institutions to investigate and respond appropriately to violations of human rights and international law. Embassy hopes that PACOM and the Embassy can move ahead as quickly as possible to implement the recommendations of the report prepared by Colonel Ehksam-Holland and her team from the Defense Institute of International Legal Studies to enhance military justice exchanges and training between the U.S. and Sri Lanka. End Summary.

Fonseka: Commanders Are Accountable

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¶2. Ambassador attended as Chief Guest the opening ceremony for the seminar on December 4, along with Sri Lankan Army Commander Fonseka, Major General Peiris (who heads the Army's legal affairs unit and is the most senior woman and Tamil in the Armed Forces), and the heads of the ICRC, IHR and HRC. In his remarks, General Fonseka told his officers that the Sri Lankan Army is committed to respect the human rights and fundamental freedoms of every citizen of Sri Lanka, irrespective of ethnicity or religion. He told them it is the responsibility of every member of the Sri Lankan Army to guarantee the protection of every law abiding citizen of Sri Lanka and ensure that no violation of fundamental rights takes place.

¶3. Fonseka said the aim of this seminar is to educate Battalion Commanders of their responsibility on international humanitarian and human rights law and its applicability to the on-going armed conflict to minimize such violations. The

General told his audience that "It is only through awareness, training, and knowledge of law and discipline that we as a professional Army could face the challenges ahead of us. You have a duty towards the state in upholding the Government policy of achieving lasting peace, which can only be achieved by ensuring the protection of the human rights of every law abiding citizen of Sri Lanka." He explained that the Sri Lankan army has taken numerous steps, such as training of trainers to educate cadres on IHL and HR, and the establishment of human rights cells within the Army, to stop human rights violations.

¶4. MGen Peiris explained that the Government recognized the need for IHL and human rights awareness training and began in 1991 training programs. The Army established the Directorate of IHL & HR in 1997. She estimated that 80 percent of the Army now has a solid background in IHL and HR awareness. Like General Fonseka, she reminded the commanders that "We are duty bound to ensure that the protection of basic human rights such as freedom from arbitrary arrest, torture and inhumane and degrading treatments is afforded to each and every law abiding citizen and resident in our country irrespective of ethnicity or religion."

¶5. General Peiris candidly noted that in Sri Lanka the application and voluntary compliance with the conventions and principles governing IHL and HR among troops in the face of terrorism and in the context of internal conflict is easier said than done. However she stated her satisfaction that even in the face of claymore mine attacks and suicide attacks on troops as well as civilians, the Armed Forces have exercised great restraint and have conducted themselves in a professional manner with dignity and decorum expected of professional soldiers.

#### U.S: Empower Institutions and Implement Laws

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¶6. The Ambassador in his remarks noted that the U.S. has been a steadfast supporter of Sri Lanka's efforts to defend itself against terrorism, but that experience around the world has shown that terrorist insurgencies cannot be defeated by military means alone. Effective counter-terrorism requires economic development; a political strategy that embraces democracy, freedom of speech and a marketplace of ideas; political compromise to address the aspirations of combatants so they will lay down their arms; respect for human dignity and a rejection of an ideology of hate that targets innocent civilians; and respect for human rights. He explained that the hallmarks of a strong military and healthy democracy are the implementation of laws and the empowerment of institutions to investigate and respond appropriately to violations of human rights and international law. He also described the military justice exchange that the US Pacific Command and the US Embassy have launched with the Sri Lankan military to improve transparency, accountability and human rights within the Sri Lankan military. (Full text of remarks are on the Embassy website: <HTTP://colombo.usembassy.gov>)

#### Comment and Action Request

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¶7. This is the third seminar on IHL and HR that the Sri Lankan Army has conducted. While the Sri Lankan military continues to commit serious human rights abuses, it is notable that Fonseka ordered all of his battalion commanders who are engaged in active military operations in the northern and eastern parts of Sri Lanka to attend this seminar. The active participation of the ICRC and Institute of Human Rights in the training is also a welcome sign. Embassy hopes that PACOM and the Embassy can move ahead as quickly as possible to implement the recommendations of the report prepared by Colonel Ehrsam-Holland and her team from the Defense Institute of International Legal Studies to enhance military justice exchanges and training between the U.S. and Sri Lanka.

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